

United States Court of Appeals

for the Fourth Circuit

1100 East Main Street, Suite 501, Richmond, VA 23219

APPEAL NO. 19-4758

USA v. Hill

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U.S. COURT OF APPEALS
FOURTH CIRCUIT

**MOTION BY APPELLANT
FOR EXTENSION OF TIME TO REQUEST TRANSCRIPTS
AND FOR APPOINTMENT OF SUBSTITUTE COUNSEL**

The original notice of appeal was filed 9/12/2019 (ECF 190) and a First Amended Notice of Appeal was filed 10/11/2019 (ECF 205) and the appeal, **APPEAL NO. 19-4758**, was docketed on October 15, 2019.

This motion is to request an extension of time to file a Request for Transcripts.

The District Court has previously denied a Request for Transcripts when filed pro se and Appellant's counsel has not yet requested the necessary transcripts from the District Court for appeal. When she had filed the "Fourth Circuit Transcript Order Form" under Doc: 6-2, she had stated that the "Name of Court Reporter/Electronic Rec. (use separate form for each reporter): was "Anita Engle", and that the "Address of Reporter" is within "Greensboro, NC". That is incorrect from the record for any competent counsel to have submitted the wrong information.

Document #186 from the District Court stated as follows:

“Minute Entry for proceedings held before CHIEF JUDGE THOMAS D. SCHROEDER in WS-2:FINAL HEARING RE REVOCATION OF SUPERVISED RELEASE as to BRIAN DAVID HILL held on 9/12/2019. AUSA Anand Ramaswamy present for the Government. Attorney Renorda Pryor present for the Defendant. Defendant present on bond. Defendant moves for a continuance. Government opposes the motion. Court DENIES motion. Defendant denies violation 1 of [157] Petition. Matter is contested (see Witness and Exhibit List) The Court finds the defendant in violation and Supervised Release is revoked. The defendant is REMANDED to the Bureau of Prisons for 9 months, followed by 9 years of Supervised Release (see Judgment and Commitment). Defendant permitted to self-report directly to the institution designated by the BOP or to the USMS in Greensboro, NC by 12:00 PM on 12/6/2019. Defendant's Release Conditions modified to include GPS location monitoring to begin within 7 days and a curfew at the probation officer's discretion.(Court Reporter Briana Bell.) (Engle, Anita) Modified on 9/13/2019 to correct typographical error. (Engle, Anita)

The Court reporter was listed as “Briana Bell”. Briana Bell works at the Winston-Salem Courthouse and her office phone number is “336-734-2514”. The total estimated pages is also way off. The amount of pages Briana Bell believes it will amount to is the total of 80 pages. Appellant is aware of this because his mother had received an email forward regarding the cost of the transcript of that hearing, and Brian had also received a letter response from Briana Bell the Court Reporter.

Appellant’s (“Mr. Hill”) counsel had also been deficient in the docketing statement (Doc: 6-1 for this appeal case). It sounds good for her to put “*Whether the District Court erred in finding evidence was sufficient to prove Mr. Hill was obscene or obscenity on the alleged date?*” Actually it is “Whether the District Court erred in finding the evidence sufficient that Mr. Hill had violated the

conditions of supervision due to V.A. Code because the V.A. Courts of Appeals have ruled with persuasive case law which shows as a matter of law that Mr. Hill cannot be guilty of indecent exposure unless the state court finds “*evidence was sufficient to prove Mr. Hill was obscene or obscenity on the alleged date.*”. The other issues that should have been raised is whether the District Court had erred in its two page finding of Mr. Hill in violation of his Supervised Release conditions because its only finding for the violation was that “On September 21, 2018, the Defendant was arrested for the commission of a crime.” Due process was violated or deprived because the District Court did not use the facts (from the hearing dated September 12, 2019) and evidence for which it is relying upon to prove the violation of Brian David Hill so that Brian could appeal the decision to challenge the merits of the facts relied upon for the Supervised Release Violation. Obscenity does play a role in whether or not Mr. Hill had been proven to have violated his Supervised Release conditions to warrant revocation. Renorda Pryor was right on that, but she should have worded it on whether the District Court had erred in finding Brian in violation due to the state statute and Court of Appeals definition for the finding of a violation of law on indecent exposure when the requirement is that Brian be obscene otherwise no state law was violated and there was no evidence of a violation of the conditions.

This motion is also to request appointment of counsel other than Renorda

Pryor. The appeal will raise ineffective assistance of counsel as an issue concerning Renorda Pryor so appointed counsel should be a different attorney.

This motion is also requesting that an attorney be appointed from the Western District of Virginia, if possible. Since the appeal is coming from a decision of the Chief Judge of the Middle District of North Carolina, and Mr. Hill also had raised an issue of asking for recusal of the Hon. Judge Thomas D. Schroeder (Document #195, "MOTION entitled "Motion to Disqualify Judge" filed by BRIAN DAVID HILL."), and is currently on appeal in case no. 19-7483. There is a potential conflict of interest with an attorney from the Middle District of North Carolina, since their vouchers may have to be approved by the reviewing judge which is likely the same judge who is being appealed from in two different appeal cases, citing "Chapter 2, § 230: Compensation and Expenses of Appointed Counsel" from the Judicial Rules and Policies. Any adverse action may cause any issues involving any expenditures requiring approval for the Criminal Justice Act ("CJA") vouchers. Therefore for an attorney to be effective counsel and not be under a potential conflict of interest, it would be safer for an attorney to be appointed outside of the jurisdiction of the potential conflict and instead appoint counsel from the CJA panel in the Western District of Virginia.

Also Brian David Hill has been on state bond conditions (Exhibit 4 — Document #193, Attachment #4) on case no. CR19000009-00 in Martinsville

Circuit Court since June 04, 2019, and is currently on federal bond conditions from the Western District of Virginia (Document #176). One condition is that Mr. Hill cannot leave the Commonwealth of Virginia without permission and having to go through judicial approval and amending to the bond conditions before being able to attend legal appointments in the Middle District of North Carolina. The Western District of Virginia is also covered by the Fourth Circuit and any attorney appointed within the Western District of Virginia would also be able to request the case files, access the case material, and be able to conduct the appeals process. To have a better and adequate representation of Mr. Hill during this appeal, Mr. Hill recommends to the Court of Appeals that an attorney be appointed from the Western District of Virginia.

An actual conflict of interest exists concerning matters of zealous representation of clients, diligence and the relationship between counsel and the Defendant. See *Holloway v. Arkansas*, 435 U.S. 475 (1978); *Dowell v. Commonwealth*, 3 Va. App. 555 (1987).

Respectfully submitted, this the 26th day of October, 2019.

Respectfully submitted,

Brian D. Hill
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

U.S.W.G.O.

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Help (S.O.S.)

Make America Great Again

Stan's blog: JusticeForUSWGO.wordpress.com

CERTIFICATE OF SERVICE

Appellant hereby certifies that on October 26, 2019, service was made by mailing the original of the foregoing:

“MOTION BY APPELLANT
FOR EXTENSION OF TIME TO REQUEST TRANSCRIPTS
AND FOR APPOINTMENT OF SUBSTITUTE COUNSEL”

by deposit in the United States Post Office, in an envelope (Priority Mail Express), Postage prepaid, on October 26, 2019 addressed to the Clerk of the Court in the United States Court of Appeals for the Fourth Circuit, 1100 East Main Street, Suite 501, Richmond, VA 23219.

Then pursuant to 28 U.S.C. §1915(d), Appellant requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which

will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	
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This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

<p>Date of signing:</p> <p><u>October 26, 2019</u></p>	<p>Respectfully submitted,</p> <p><u>Brian D. Hill</u></p> <p><i>Signed</i> Signed</p> <p>Brian D. Hill (Pro Se)</p> <p>310 Forest Street, Apartment 1</p> <p>Martinsville, Virginia 24112</p> <p>Phone #: (276) 790-3505</p> <p>U.S.W.G.O.</p> <p>I stand with QANON/Donald-Trump – Drain the Swamp</p> <p>I ask Qanon and Donald John Trump for Assistance (S.O.S.)</p> <p>Make America Great Again</p> <p>JusticeForUSWGO.wordpress.com</p>
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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
Effective 12/01/2016

No. 19-4758 Caption: United States v. Brian David Hill

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT
Type-Volume Limit, Typeface Requirements, and Type-Style Requirements

Type-Volume Limit for Briefs: Appellant's Opening Brief, Appellee's Response Brief, and Appellant's Response/Reply Brief may not exceed 13,000 words or 1,300 lines. Appellee's Opening/Response Brief may not exceed 15,300 words or 1,500 lines. A Reply or Amicus Brief may not exceed 6,500 words or 650 lines. Amicus Brief in support of an Opening/Response Brief may not exceed 7,650 words. Amicus Brief filed during consideration of petition for rehearing may not exceed 2,600 words. Counsel may rely on the word or line count of the word processing program used to prepare the document. The word-processing program must be set to include headings, footnotes, and quotes in the count. Line count is used only with monospaced type. See Fed. R. App. P. 28.1(e), 29(a)(5), 32(a)(7)(B) & 32(f).

Type-Volume Limit for Other Documents if Produced Using a Computer: Petition for permission to appeal and a motion or response thereto may not exceed 5,200 words. Reply to a motion may not exceed 2,600 words. Petition for writ of mandamus or prohibition or other extraordinary writ may not exceed 7,800 words. Petition for rehearing or rehearing en banc may not exceed 3,900 words. Fed. R. App. P. 5(c)(1), 21(d), 27(d)(2), 35(b)(2) & 40(b)(1).

Typeface and Type Style Requirements: A proportionally spaced typeface (such as Times New Roman) must include serifs and must be 14-point or larger. A monospaced typeface (such as Courier New) must be 12-point or larger (at least 10½ characters per inch). Fed. R. App. P. 32(a)(5), 32(a)(6).

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_____ [identify font size and type style].

(s) Brian D. Hill
Signed

Party Name Brian David Hill (USWGO)

Motion for Extension/Substitute Counsel

Dated: October 26, 2019

